

C O P Y

October 10, 1957

NEW HAMPSHIRE LAW LIBRARY

OCT 01 1998

CONCORD, N.H.

Mary M. Atchison, M. D.
State Health Officer
Concord, New Hampshire

This is in response to your request of October 9, 1957 that this office order an autopsy performed on Mrs. Elizabeth Caikaucas whose death is suspected to have been caused by pulmonary anthrax. You indicated that no autopsy was performed at the time of her death although her symptoms in general were similar to those accompanying death by pulmonary anthrax. Previously you have indicated to us that the family was not willing to authorize an autopsy.

The subjects of medical referees and autopsies in general are covered in RSA 611. This chapter authorizes autopsies prior to interment. No reference is made therein to the case where the individual has already been interred. In addition, this chapter, in our opinion, authorizes autopsies only in cases where it is suspected that death might have occurred by illegal means.

In the case where burial has already occurred and where it is subsequently suspected that death may have occurred by illegal means, RSA 611:4 applies. This section authorizes a justice, on receipt of a sworn complaint alleging that death occurred by unlawful means, to issue his warrant requiring that the body shall be disinterred and examined.

Neither of the statutory references contained in the two previous paragraphs authorizes the exhumation and examination of the body of Mrs. Caikaucas under the circumstances described in your letter. It is apparent on reading your letter that you do not in any way suspect that a crime was involved. Since no unlawful act is suspected this office is without authority to comply with your request that we order an autopsy.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General